

# EXHIBIT Q

9/17/2024

Richard Kadrey, et al. v. Meta Platforms, Inc.  
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Melanie Kambadur

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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Richard Kadrey, et al.,	)	
Individual and Representative	)	
Plaintiffs,	)	CASE NO.
	)	3:23-cv-03417-VC
-against-	)	
	)	
Meta Platforms, Inc.,	)	
Defendant.	)	
	)	

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ATTORNEYS' EYES ONLY

VIDEO-RECORDED DEPOSITION OF  
MELANIE KAMBADUR

Cooley, LLP  
55 Hudson Yards  
New York, New York 10001

09/17/2024  
9:07 a.m. (EDT)

REPORTED BY: MONIQUE CABRERA

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1 Q. Now, the next bullet point says  
2 "Higher quality."

3 A. Yes.

4 Q. Does this mean that for Llama 3,  
5 your goal was to obtain higher quality data for  
6 training -- pre-training Llama 3?

7 A. What do you mean by "obtain"?

8 Q. Using your own words, to collect or  
9 process.

10 A. Yes, to collect or process.

11 Q. What do you mean by "collect or  
12 process," by the way?

13 A. I mean that some of this data we may  
14 have already had available and just not put it  
15 into the model before or processed it before.

16 Q. So, for example, there may have been  
17 datasets that you were considering using for  
18 pre-training that you had not incorporated yet?

19 A. Yes.

20 Q. Or processed it. Excuse me.

21 A. Either one.

22 Q. For example, Libgen, is that a

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1 dataset that Meta had, but had not processed yet?

2 A. I don't recall when we processed it.

3 Q. Now, do you recall testifying

4 earlier that Libgen was used to pre-train

5 Llama 3, Llama 3 series of models?

6 A. Yes. At least a subset of Libgen

7 was used.

8 Q. But it wasn't used to pre-train the

9 Llama 2 models or the Llama 1 models, right,

10 according to your testimony today?

11 A. Yes, that's correct, to my

12 knowledge.

13 Q. Now, do you remember if Meta had the

14 Libgen dataset before it was processed and

15 including in the Llama 3 models?

16 MR. WEINSTEIN: Object to form.

17 A. Of course we had to have the dataset

18 before including it in the model, yes.

19 BY MR. YOUNG:

20 Q. So that means that there was a

21 decision made to incorporate Libgen, process

22 Libgen as pre-training data for Llama 3, correct?

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1 A. Yes.

2 Q. Do you know who made that decision?

3 A. I don't think there was a  
4 singular -- there was not a singular person.

5 Q. But a decision was made, correct?

6 A. To include Libgen into Llama 3?  
7 Yes.

8 Q. Do you remember why that decision  
9 was made to include Libgen into Llama 3?

10 A. As with all of our datasets, we had  
11 run some small-scale experiments that indicated  
12 it would positively improve our benchmarks on a  
13 larger model. And we had gone through our legal  
14 and privacy review procedures.

15 Q. Did anyone express to you any  
16 concern with using the Libgen data source as  
17 pre-training material?

18 A. I recall people asking if it was  
19 approved.

20 Q. Did you express any concern about  
21 using the Libgen data source as pre-training  
22 material?

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1 MR. WEINSTEIN: Exclude any  
2 communications you may or may not have had  
3 with counsel.

4 (Reporter clarification.)

5 MR. WEINSTEIN: Exclude any  
6 communications you may or may not have had  
7 with counsel.

8 A. I don't recall specific  
9 conversations, but it's possible I also discussed  
10 making sure that we went through the approval  
11 processes.

12 BY MR. YOUNG:

13 Q. Did you ever discuss with anyone who  
14 was not a lawyer any concerns with using Books3  
15 as pre-training material for any of the Llama  
16 models?

17 A. It's poss- --

18 MR. WEINSTEIN: Again, same -- same  
19 instruction. His question's limiting to  
20 non-attorneys, but if you are -- in answering  
21 the question, if -- you shouldn't repeat  
22 anything a lawyer may have told you, even